The World Trade Center - North and South Tower Buildings - Fireproofing - Contract WTC-113.00 - Supplement 4

The Committee on Construction recalled that the Board, at its meeting on November 14, 1968 (appearing at pages 466-467 of the Official Minutes of that date), authorized the award of Contract WTC-113.00 to Mario and DiBono Plastering Co., Inc. at a price of $1,725,000, exclusive of an allowance of $80,000 for extra materials and extra work. As supplemented by Supplemental Agreements 1, 2 and 3 Contract WTC-113.00 requires the furnishing and application at The World Trade Center of exterior fireproofing for the North and South Tower Buildings (including the isolated core columns), the below grade area (including areas adjacent to PATH trackage) and the Northeast Plaza Building.

The contract calls for the application of spray-on fireproofing containing asbestos. The use of this material, which was consistent with the Building Code Regulations in effect when the contract was awarded, was also standard practice in the construction industry. However, subsequent to award, the potential health hazards of asbestos materials escaping into the air were brought to light by medical researchers. As a result, the contractor was required to use tarpaulins to entrap as much of the material as possible and simultaneously, staff began working closely with the Environmental Protection Administration of the City of New York and Dr. Irving J. Selikoff, Director, Environmental Sciences Laboratory, Mt. Sinai School of Medicine, to develop regulations governing spray-on fireproofing containing asbestos. The procedures developed were later incorporated by the City into rules and regulations applying to the entire construction industry. At a later date, the Environmental Protection Administration issued a set of revised administrative standards with respect to the use of asbestos-containing materials. Following issuance of these revised regulations, which were designed to halt this type of operation throughout the City, all asbestos spraying in the City was suspended and the City's Department of Air Resources proposed that the new Air Pollution Code contain a provision banning the spraying in the City of materials containing asbestos.

Since it has always been the policy of the Port Authority to conform voluntarily to municipal rules and regulations to the extent practicable, particulary where the public health or safety is involved, Mario and DiBono Plastering Co., Inc. was directed to cease the application of fireproofing containing asbestos materials. Staff, in conjunction with the contractor and Mt. Sinai Hospital, researched the possibility of utilizing a spray-on fireproofing, only recently introduced on

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the market, which does not contain asbestos fibers. Tests by consultants show that this new material, known as Cafco Type D-CF, is as effective, from the standpoint of fireproofing as the material previously used containing asbestos fibers. In addition, the Suppliers medical consultant advised that Cafco Type D-CF is free of the qualities in asbestos identified by Medical Researchers as posing a potential hazard to health. Moreover, tests by Mt. Sinai Hospital reveal that this non-asbestos material is a significant step forward in reducing the hazards of spray fireproofing application. The Department of Air Resources of the City of New York, is now studying the entire matter of spray fireproofing of asbestos and non-asbestos materials including Cafco Type D-CF, in light of its expressed position that the use of non-asbestos fireproofing material is a procedure which is consistent with the safeguarding of public health.

The Committee on Construction therefore recommended that the Board authorize the Executive Director to execute Supplemental Agreement 4 to Contract WTC-113.00 with Mario and DiBono Plastering Co., Inc., such Supplemental Agreement to cover the furnishing and application of a non-asbestos spray-on fire-proofing in all areas of the North and South Tower Buildings, the Below Grade areas, and the Northeast Plaza Building yet to be fireproofed under Contract WTC-113.00, as well as the furnishing and application of a sealant, to prevent the escaping of asbestos particles, on all areas that have already been sprayed with asbestos material under Contract WTC-113.00 and are not to receive a hard finish, and such Supplemental Agreement to be in the total amount of $310,500, consisting of $208,500 for the performance of the work and $102,000 for the sale of materials.

Whereupon, the following resolution was moved for adoption by Commissioner Clancy, the motion being seconded by Commissioner Hein:

> RESOLVED, that the Executive Director be and he hereby is authorized on behalf of The Port of New York Authority to enter into Supplemental Agreement 4 to Contract WTC-113.00 for the furnishing and application at The World Trade Center of interior fireproofing to the North and South Tower Buildings (including the isolated core columns), the below grade areas (including areas adjacent to PATH trackage), and the Northeast Plaza Building, such supplemental agreement to cover the furnishing and application of a non-asbestos spray-on fireproofing in all areas of the North and South Tower Buildings, the below grade areas, and the Northeast Plaza Building yet to be fireproofed under Contract WTC-113.00, as well as the furnishing and application of a sealant, to prevent the escaping of asbestos particles, on all areas that have already been sprayed with asbestos material under Contract WTC-113.00 and are not to receive a hard finish, and such supplemental agreement to be in the total amount of $310,500, consisting of $208,500 for the performance of work and $102,000 for the sale of materials; and it is further

RESOLVED, that the aforesaid Supplemental Agreement be subject to the approval of General Counsel or his designated representative as to form.

With the following result:

AYES: Kellogg, Ammidon, Clancy, Hein, Stillman, Levy, Sternkopf, Hellmuth

NOES: None

Carried.

(Board Calendar) 6/11/70

No. 20

THE WORLD TRADE CENTER - NORTH AND SOUTH TOWER BUILDINGS
FIREPROOFING - CONTRACT WTC-113.00 - SUPPLEMENT 4

RECOMMENDATION: The Committee on Construction recommends to the Board that the Board authorize Supplement 4 to Contract WTC-113.00 - Fireproofing, North and South Tower Buildings, The World Trade Center - with Mario and DiBono Plastering Co., Inc., at a price of $310,500.

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REPORT: The Committee on Construction reports that the Board, at its meeting on November 14, 1968, authorized the award of Contract WTC-113.00 to Mario and DiBono Plastering Co., Inc. at a price of $1,725,000, exclusive of an allowance of $80,000 for extra materials and extra work. Subsequently the Committee and the Board at their meetings on May 28, 1969, December 11, 1969, and April 9, 1970 authorized Supplement 1 at a price of $85,000, Supplement 2 at a price of $380,000, and Supplement 3 at a price of $335,000.

Contract WTC-113.00, as supplemented, requires the contractor to apply fireproofing to the structural steel of the Tower Buildings, the below grade areas, and the Northeast Plaza Building.

The original contract (WTC-113.00) calls for the application of spray-on fireproofing which contains asbestos. This material was consistent with the existing Building Code Regulations and was used as standard practice by the construction industry. However, subsequent to award, the potential health hazards of asbestos materials escaping into circulating air were brought to light by medical researchers, and the contractor was required to use tarpaulines to entrap as much of the material as possible. Simultaneously, staff began working closely with the Environmental Protection Administration of the City of New York and Dr. Irving J. Selikoff, Director, Environmental Sciences Laboratory, Mt. Sinai School of Medicine, to develop regulations concerning spray-on fireproofing containing asbestos. These procedures, developed by the Port Authority, were subsequently incorporated by the City of New York as part of the rules and regulations applying to the entire construction industry.

Subsequently, and at a later date, the Environmental Protection Administration issued a set of revised administrative standards with respect to the use of asbestos containing materials designed to halt this type of operation in the entire City. The Port Authority was then advised that all asbestos spraying was suspended in New York City. In addition, the Department of Air Resources has proposed that the new Air Pollution Code contain a provision banning the spraying of materials containing asbestos in New York City.